

Regular Session, 2009

HOUSE BILL NO. 367

BY REPRESENTATIVES DOVE, BALDONE, AND HARRISON AND SENATORS  
DUPRE AND B. GAUTREAUX

CIVIL SERVICE/FIRE & POL: Provides relative to the positions of fire chief and police  
chief in the city of Houma

1 AN ACT

2 To enact R.S. 33:2481.3, relative to the municipal police civil service; to provide relative to  
3 the position of police chief in the city of Houma; to provide that such position is in  
4 the unclassified service; to provide relative to the appointment, supervision, and  
5 discharge of any person in any such position; to provide relative to qualifications; to  
6 provide relative to resignation from and return to the classified service; and to  
7 provide for related matters.

8 Notice of intention to introduce this Act has been published  
9 as provided by Article III, Section 13 of the Constitution of  
10 Louisiana.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 33:2481.3 is hereby enacted to read as follows:

13 §2481.3. Police chief; city of Houma; unclassified service

14 A. Notwithstanding any provision of law to the contrary, the position of  
15 chief of police for the city of Houma are in the unclassified service, and the right of  
16 selection, appointment, supervision, and discharge for each such position is vested  
17 in the president of the parish of Terrebonne. The appointment of the chief of police  
18 shall be subject to the approval of the parish governing authority. Any person  
19 appointed to the position of chief of police shall meet all qualifications and



1        requirements as provided in the parish compensation plan in effect at the time of his  
2        appointment.

3                B. Any person who resigns from a position in the classified service to be  
4        appointed chief of police shall not forfeit his seniority accumulated to the date of his  
5        resignation, but he shall not accumulate seniority during the time he is not in the  
6        classified service. If any such person resigns from the position of chief of police or  
7        is terminated for any reason other than malfeasance in office, he shall be eligible to  
8        be reemployed to the same position in the classified service in which he was  
9        employed immediately preceding his resignation from the classified service. If the  
10       position has been filled or no longer exists, then his former employer shall employ  
11       him to a comparable position.

12       Section 2. This Act shall become effective upon signature by the governor or, if not  
13       signed by the governor, upon expiration of the time for bills to become law without signature  
14       by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
15       vetoed by the governor and subsequently approved by the legislature, this Act shall become  
16       effective on the day following such approval.

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#### DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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Dove

HB No. 367

**Abstract:** Relative to the position of police chief in the city of Houma, provides that the position is in the unclassified service. Provides further with respect to the right of selection, appointment, supervision, and discharge for such position and provides relative to the resignation from and return to the classified service.

Present constitution creates a fire and police civil service system applicable to municipalities of over 13,000 in population and parishes and fire protection districts. Provides that the system is subject to Art. XIV, §15.1 of the 1921 constitution made statutory by the 1974 constitution. Present law creates and provides for two fire and police civil service systems: (1) one applicable to any municipality which operates paid police and fire departments and which has a population of not fewer than 13,000 persons; and (2) one applicable to any parish, fire protection district, or municipality with a population of fewer than 13,000, but not fewer than 7,000 persons. Present constitution authorizes modifications to such systems (by law adopted by 2/3 of each house of the legislature in the case of provisions of Art. XIV, §15.1 of the 1921 constitution made statutory by the constitution of 1974) but prohibits the legislature from abolishing the system or making it inapplicable to covered jurisdictions.



Present law retains present constitution and present law.

Present law relative to both systems, provides that the classified service shall comprise every position, except those in the unclassified service to which the right of employee selection, appointment, supervision, and discharge is vested in the municipal government. Provides that the positions of fire chief and police chief shall be in the classified service. Provides further with respect to which positions are in the classified and unclassified service.

Proposed law retains present law but provides an exception for the position of police chief in the city of Houma. Provides that such position is in the unclassified service and provides that the right of selection, appointment, supervision, and discharge for such position is vested in the president of Terrebonne Parish. Further provides that the appointment of the police chief shall be subject to the approval of the parish governing authority. Provides that any person appointed to the position of police chief shall meet all qualifications and requirements as provided in the parish compensation plan in effect at the time of his appointment.

Proposed law provides that any person who resigns from a position in the classified service to be appointed police chief shall not forfeit his seniority accumulated to the date of his resignation. Provides that no such person shall accumulate seniority during the time he is not in the classified service. Further provides that if any such person resigns from such position or is terminated for any reason other than malfeasance in office, he shall be eligible to be reemployed to the same position in the classified service in which he was employed immediately preceding his resignation from the classified service. Provides that if the position has been filled or no longer exists, then his former employer shall employ him to a comparable position.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 33:2481.3)

#### Summary of Amendments Adopted by House

##### House Floor Amendments to the engrossed bill.

1. Removes provisions of proposed law relative to the position of fire chief.
2. Relative to the police chief, adds provisions that appointment is subject to parish governing authority approval, provisions relative to qualifications, and provisions relative to resignation from and return to the classified service.